

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:
NIASPAN ANTITRUST LITIGATION**

MDL NO. 2460

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

MASTER FILE NO. 13-MD-2460

ORDER

AND NOW, this 5th day of September, 2014, upon consideration of defendants' Joint Motion for Judicial Notice in Support of Joint Motion to Dismiss the Consolidated Amended Complaints (Document No. 68, filed March 17, 2014) [hereinafter Motion for Judicial Notice], defendants' Joint Motion to Dismiss the Consolidated Amended Complaints (Document No. 69, filed March 17, 2014) [hereinafter Motion to Dismiss], Plaintiffs' Joint Opposition to Defendants' Joint Motion to Dismiss the Consolidated Amended Complaints (Document No. 87, filed May 1, 2014), and Defendants' Joint Reply in Support of Motion to Dismiss the Consolidated Amended Complaints (Document No. 93, filed June 2, 2014), **IT IS ORDERED** that, for the reasons stated in the accompanying Memorandum dated September 5, 2014), defendants' Motion for Judicial Notice is **DENIED** and defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion to Dismiss is **GRANTED** with respect to the end-payor plaintiffs' claims against defendants under the following antitrust statutes: (1) the D.C. Antitrust Act, see D.C. Code §§ 28-4502, et seq.; (2) the Kansas Restraint of Trade Act, see Kansas Stat. Ann. §§ 50-101, et seq.; (3) Nebraska's Junkin Act, see Neb. Code Ann. §§ 59-801, et seq.; (4) the New Mexico Antitrust Act, see N.M. Stat. Ann. §§ 57-1-1, et seq.; (5) North Dakota's Uniform State Antitrust Act, see N.D. Cent. Code §§ 51-08.1-02, et seq.; and (6) the Utah Antitrust Act, see Utah Code Ann. §§ 76-10-911, et seq.;

2. The Motion to Dismiss is **GRANTED** with respect to the end-payor plaintiffs' claims against defendants under the following consumer-protection statutes: (1) the Delaware Consumer Fraud Act, see 6 Del. C. § 2533, et seq.; (2) the District of Columbia Consumer Protection Procedures Act, see D.C. Code §§ 28-3901, et seq.; (3) the Minnesota Consumer Fraud Act, see Minn. Stat. §§ 325F.68, et seq., Minn. Stat. § 8.31, et seq.; (4) the Nebraska Consumer Protection Act, see Neb. Rev. Stat. §§ 59-1601, et seq.; (5) New Mexico's Unfair Practices Act, see N.M. Stat. §§ 57-12-1, et seq.; (6) Pennsylvania's Unfair Trade Practice and Consumer Protection Law, see 73 Pa. Stat. Ann. §§ 201-1, et seq.; (7) South Dakota's Deceptive Trade Practices and Consumer Protection Law, see S.D. Code Laws §§ 37-24-1; (8) the Tennessee Consumer Protection Act, see Tenn. Code §§ 47-18-101; and (9) the Virginia Consumer Protection Act, see Va. Code Ann. §§ 59.1-196, et seq.;

3. The Motion to Dismiss is **GRANTED** with respect to the end-payor plaintiffs' unjust-enrichment claims brought under the laws of Alaska, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, Washington, and the unspecified U.S. territories; and

4. The Motion to Dismiss is **DENIED** in all other respects.

BY THE COURT:

/s/ Jan E. DuBois

JAN E. DuBOIS